

FIRST REGULAR SESSION

# SENATE BILL NO. 343

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Read 1st time February 9, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1749S.011

## AN ACT

To repeal sections 226.030, 302.700, and 302.775, RSMo, and to enact in lieu thereof three new sections relating to transportation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 226.030, 302.700, and 302.775, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 226.030,  
3 302.700, and 302.775, to read as follows:

226.030. 1. The highways and transportation commission shall consist of  
2 six members, who shall be appointed by the governor, by and with the advice and  
3 consent of the senate, not more than three thereof to be members of the same  
4 political party. Each commissioner shall be a taxpayer and resident of state for  
5 at least five years prior to his appointment. Any commissioner may be removed  
6 by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct  
7 in office. Commissioners appointed pursuant to this section shall be appointed  
8 for terms of six years, except as otherwise provided in this subsection. Upon the  
9 expiration of each of the foregoing terms of these commissioners a successor shall  
10 be appointed for a term of six years or until his successor is appointed and  
11 qualified which term of six years shall thereafter be the length of term of each  
12 member of the commission unless removed as above provided. The members of  
13 the commission shall receive as compensation for their services twenty-five  
14 dollars per day for the time spent in the performance of their official duties, and  
15 also their necessary traveling and other expenses incurred while actually engaged  
16 in the discharge of their official duties. Members whose terms otherwise expire  
17 December 1, 2003, shall serve with terms expiring March 1, 2004, and new  
18 members or the members reappointed shall be appointed for terms expiring

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 March 1, 2005; a member whose term otherwise expires December 1, 2005, shall  
20 serve with a term expiring March 1, 2007; a member whose term otherwise  
21 expires December 1, 2007, shall serve with a term expiring March 1, 2009; and  
22 one member whose term otherwise expires October 13, 2007, shall serve with a  
23 term expiring March 1, 2007; and one member whose term otherwise expires  
24 October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy  
25 occurs in any term of a commissioner due to death, resignation, or removal, a  
26 successor shall be appointed for only the remainder of the unexpired term.

27           2. The two members of the commission, one each from opposing political  
28 parties, who have the most seniority in commission service shall serve as  
29 commission leadership with one member as chair and the other member as vice  
30 chair, respectively, for terms ending March 1, 2005. The commission shall elect  
31 one of the members as chair and the other as vice chair. Effective March 1, 2005,  
32 the commission shall elect the two members of the commission, one from each  
33 opposing political party who has the most seniority in commission service, who  
34 shall serve as commission leadership with one member as chair and the other  
35 member as vice chair, respectively, for one year. At the end of such year, the  
36 **[member] members** currently serving as chair **[shall then serve as] and** vice  
37 chair **shall have the option to rotate positions**, and the member currently  
38 serving as vice chair **[shall] may** serve as chair, **[each to serve in such position**  
39 **for one year] and vice versa**. Thereafter, commission leadership shall continue  
40 to rotate accordingly with the two members from opposing political parties who  
41 have the most seniority in terms of commission service being elected by the  
42 commission to serve as commission leadership. If one of the commission  
43 leadership offices becomes vacant due to death, resignation, removal, or refuses  
44 to serve before the one-year leadership term expires, the commission shall elect  
45 one of its members that is of the same political party as the vacating officer to  
46 serve the remainder of the vacating officer's leadership term. Such election shall  
47 not prohibit that member from later serving as chair and vice chair when such  
48 member's seniority in commission service qualifies him or her for those offices as  
49 provided in this subsection.

50           3. No more than one-half of the members of the commission shall be of the  
51 same political party. The selection and removal of all employees of the  
52 department of transportation shall be without regard to political affiliation.

53           4. The present members of the commission shall continue to serve as  
54 members of the commission for the remainder of the terms for which they were

55 appointed, except as provided in subsection 1 of this section.

56           5. The director of the department of transportation shall, by February  
57 fifteenth of each year, present an annual state of the state of transportation to a  
58 joint session of the general assembly. The six members of the commission shall  
59 be present and available at such presentations for questions by members. The  
60 transportation inspector general may also be present and report to the general  
61 assembly on any matter of concern within his or her statutory authority. The  
62 provisions of this subsection shall expire August 28, 2008.

63           6. Any member reappointed shall only be eligible to serve as chair or  
64 vice-chair during the final two years of such member's reappointment.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform  
2 Commercial Driver's License Act".

3           2. When used in sections 302.700 to 302.780, the following words and  
4 phrases mean:

5           (1) "Alcohol", any substance containing any form of alcohol, including, but  
6 not limited to, ethanol, methanol, propanol and isopropanol;

7           (2) "Alcohol concentration", the number of grams of alcohol per one  
8 hundred milliliters of blood or the number of grams of alcohol per two hundred  
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters  
10 of urine;

11           (3) "Commercial driver's instruction permit", a permit issued pursuant to  
12 section 302.720;

13           (4) "Commercial driver's license", a license issued by this state to an  
14 individual which authorizes the individual to operate a commercial motor vehicle;

15           (5) "Commercial driver's license information system", the information  
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986  
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information  
18 related to the licensing and identification of commercial motor vehicle drivers;

19           (6) "Commercial motor vehicle", a motor vehicle designed or used to  
20 transport passengers or property:

21           (a) If the vehicle has a gross combination weight rating of twenty-six  
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle  
23 weight rating of ten thousand one pounds or more;

24           (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand  
25 one or more pounds or such lesser rating as determined by federal regulation;

26           (c) If the vehicle is designed to transport sixteen or more passengers,

27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to  
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801  
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section  
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all  
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be  
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of  
36 guilt and nolo contendere, or a determination that a person has violated or failed  
37 to comply with the law in a court of original jurisdiction or an authorized  
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
39 to secure the person's appearance in court, the payment of a fine or court cost, or  
40 violation of a condition of release without bail, regardless of whether the penalty  
41 is rebated, suspended or prorated;

42 (9) "Director", the director of revenue or his authorized representative;

43 (10) "Disqualification", any of the following three actions:

44 (a) The suspension, revocation, or cancellation of a commercial driver's  
45 license;

46 (b) Any withdrawal of a person's privileges to drive a commercial motor  
47 vehicle by a state as the result of a violation of federal, state, county, municipal,  
48 or local law relating to motor vehicle traffic control or violations committed  
49 through the operation of motor vehicles, other than parking, vehicle weight, or  
50 vehicle defect violations;

51 (c) A determination by the Federal Motor Carrier Safety Administration  
52 that a person is not qualified to operate a commercial motor vehicle under  
53 CFR Part 383.52 or Part 391;

54 (11) "Drive", to drive, operate or be in physical control of a commercial  
55 motor vehicle;

56 (12) "Driver", any person who drives, operates, or is in physical control of  
57 a motor vehicle, or who is required to hold a commercial driver's license;

58 (13) "Driving under the influence of alcohol", the commission of any one  
59 or more of the following acts:

60 (a) Driving a commercial motor vehicle with the alcohol concentration of  
61 four one-hundredths of a percent or more as prescribed by the secretary or such  
62 other alcohol concentration as may be later determined by the secretary by

63 regulation;

64 (b) Driving a commercial or noncommercial motor vehicle while  
65 intoxicated in violation of any federal or state law, or in violation of a county or  
66 municipal ordinance;

67 (c) Driving a commercial or noncommercial motor vehicle with excessive  
68 blood alcohol content in violation of any federal or state law, or in violation of a  
69 county or municipal ordinance;

70 (d) Refusing to submit to a chemical test in violation of section 577.041,  
71 RSMo, section 302.750, any federal or state law, or a county or municipal  
72 ordinance; or

73 (e) Having any state, county or municipal alcohol-related enforcement  
74 contact, as defined in subsection 3 of section 302.525; provided that any  
75 suspension or revocation pursuant to section 302.505, committed in a  
76 noncommercial motor vehicle by an individual twenty-one years of age or older  
77 shall have been committed by the person with an alcohol concentration of at least  
78 eight-hundredths of one percent or more, or in the case of an individual who is  
79 less than twenty-one years of age, shall have been committed by the person with  
80 an alcohol concentration of at least two-hundredths of one percent or more, and  
81 if committed in a commercial motor vehicle, a concentration of four-hundredths  
82 of one percent or more;

83 (14) "Driving under the influence of a controlled substance", the  
84 commission of any one or more of the following acts in a commercial or  
85 noncommercial motor vehicle:

86 (a) Driving a commercial or noncommercial motor vehicle while under the  
87 influence of any substance so classified under Section 102(6) of the Controlled  
88 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I  
89 through V of 21 CFR Part 1308, as they may be revised from time to time;

90 (b) Driving a commercial or noncommercial motor vehicle while in a  
91 drugged condition in violation of any federal or state law or in violation of a  
92 county or municipal ordinance; or

93 (c) Refusing to submit to a chemical test in violation of section 577.041,  
94 RSMo, section 302.750, any federal or state law, or a county or municipal  
95 ordinance;

96 (15) "Employer", any person, including the United States, a state, or a  
97 political subdivision of a state, who owns or leases a commercial motor vehicle or  
98 assigns a driver to operate such a vehicle;

99 (16) "Farm vehicle", a commercial motor vehicle controlled and operated  
100 by a farmer used exclusively for the transportation of agricultural products, farm  
101 machinery, farm supplies, or a combination of these, within one hundred fifty  
102 miles of the farm, other than one which requires placarding for hazardous  
103 materials as defined in this section, or used in the operation of a common or  
104 contract motor carrier, except that a farm vehicle shall not be a commercial motor  
105 vehicle when the total combined gross weight rating does not exceed twenty-six  
106 thousand one pounds when transporting fertilizers as defined in subdivision (21)  
107 of this subsection;

108 (17) "Fatality", the death of a person as a result of a motor vehicle  
109 accident;

110 (18) "Felony", any offense under state or federal law that is punishable by  
111 death or imprisonment for a term exceeding one year;

112 (19) "Gross combination weight rating" or "GCWR", the value specified by  
113 the manufacturer as the loaded weight of a combination (articulated) vehicle. In  
114 the absence of a value specified by the manufacturer, GCWR will be determined  
115 by adding the GVWR of the power unit and the total weight of the towed unit and  
116 any load thereon;

117 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the  
118 manufacturer as the loaded weight of a single vehicle;

119 (21) "Hazardous materials", [hazardous materials as specified in Section  
120 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)] **any**  
121 **material that has been designated as hazardous under 49 U.S.C. 5103**  
122 **and is required to be placarded under subpart F of CFR part 172 or any**  
123 **quantity of a material listed as a select agent or toxin in 42 CFR part**  
124 **73.** Fertilizers, including but not limited to ammonium nitrate, phosphate,  
125 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not  
126 be considered hazardous materials when transported by a farm vehicle provided  
127 all other provisions of this definition are followed;

128 (22) "Imminent hazard", the existence of a condition that presents a  
129 substantial likelihood that death, serious illness, severe personal injury, or a  
130 substantial endangerment to health, property, or the environment may occur  
131 before the reasonably foreseeable completion date of a formal proceeding begins  
132 to lessen the risk of that death, illness, injury, or endangerment;

133 (23) "Issuance", the initial licensure, license transfers, license renewals,  
134 and license upgrades;

135 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively  
136 upon tracks;

137 (25) "Noncommercial motor vehicle", a motor vehicle or combination of  
138 motor vehicles not defined by the term "commercial motor vehicle" in this section;

139 (26) "Out of service", a temporary prohibition against the operation of a  
140 commercial motor vehicle by a particular driver, or the operation of a particular  
141 commercial motor vehicle, or the operation of a particular motor carrier;

142 (27) "Out-of-service order", a declaration by the Federal Highway  
143 Administration, or any authorized enforcement officer of a federal, state,  
144 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that  
145 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of  
146 service;

147 (28) "School bus", a commercial motor vehicle used to transport  
148 preprimary, primary, or secondary school students from home to school, from  
149 school to home, or to and from school-sponsored events. School bus does not  
150 include a bus used as a common carrier as defined by the Secretary;

151 (29) "Secretary", the Secretary of Transportation of the United States;

152 (30) "Serious traffic violation", driving a commercial motor vehicle in such  
153 a manner that the driver receives a conviction for the following offenses or driving  
154 a noncommercial motor vehicle when the driver receives a conviction for the  
155 following offenses and the conviction results in the suspension or revocation of  
156 the driver's license or noncommercial motor vehicle driving privilege:

157 (a) Excessive speeding, as defined by the Secretary by regulation;

158 (b) Careless, reckless or imprudent driving which includes, but shall not  
159 be limited to, any violation of section 304.016, RSMo, any violation of section  
160 304.010, RSMo, or any other violation of federal or state law, or any county or  
161 municipal ordinance while driving a commercial motor vehicle in a willful or  
162 wanton disregard for the safety of persons or property, or improper or erratic  
163 traffic lane changes, or following the vehicle ahead too closely, but shall not  
164 include careless and imprudent driving by excessive speed;

165 (c) A violation of any federal or state law or county or municipal ordinance  
166 regulating the operation of motor vehicles arising out of an accident or collision  
167 which resulted in death to any person, other than a parking violation;

168 (d) Driving a commercial motor vehicle without obtaining a commercial  
169 driver's license in violation of any federal or state or county or municipal  
170 ordinance;

171 (e) Driving a commercial motor vehicle without a commercial driver's  
172 license in the driver's possession in violation of any federal or state or county or  
173 municipal ordinance. Any individual who provides proof to the court which has  
174 jurisdiction over the issued citation that the individual held a valid commercial  
175 driver's license on the date that the citation was issued shall not be guilty of this  
176 offense;

177 (f) Driving a commercial motor vehicle without the proper commercial  
178 driver's license class or endorsement for the specific vehicle group being operated  
179 or for the passengers or type of cargo being transported in violation of any federal  
180 or state law or county or municipal ordinance; or

181 (g) Any other violation of a federal or state law or county or municipal  
182 ordinance regulating the operation of motor vehicles, other than a parking  
183 violation, as prescribed by the secretary by regulation;

184 (31) "State", a state, territory or possession of the United States, the  
185 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province  
186 of Canada;

187 (32) "United States", the fifty states and the District of Columbia.

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which**  
3 **is:**

4 (a) **Controlled and operated by a farmer, including operation by**  
5 **employees or family members;**

6 (b) **Used to transport agricultural products, farm machinery,**  
7 **farm supplies, or both, to or from a farm;**

8 (c) **Not used in the operations of a common or contract motor**  
9 **carrier; and**

10 (d) **Used within two hundred forty-one kilometers or one**  
11 **hundred fifty miles of the farmer's farm;**

12 (2) Any active duty military personnel, members of the reserves and  
13 national guard on active duty, including personnel on full-time national guard  
14 duty, personnel on part-time training and national guard military technicians,  
15 while driving [military] vehicles for military purposes;

16 (3) Any person who drives emergency or fire equipment necessary to the  
17 preservation of life or property or the execution of emergency governmental  
18 functions under emergency conditions;

19 (4) Any person qualified to operate the equipment under subdivision (3)

20 of this section when operating such equipment in other functions such as parades,  
21 special events, repair, service or other authorized movements;

22 (5) Any person driving or pulling a recreational vehicle, as defined in  
23 sections 301.010 and 700.010, RSMo, for personal use; and

24 (6) Any other class of persons exempted by rule or regulation of the  
25 director, which rule or regulation is in compliance with the Commercial Motor  
26 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that  
27 act.

Unofficial ✓

Bill

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